

### **REMARKS**

By this Reply, Claims 1-4 are cancelled, Claims 5, 6, 8-12, 14, and 18 are amended, and no claims are newly added. Upon entry of the present amendment, Claims 5-19 remain in the application.

Entry of this Reply and reconsideration of this Application is requested.

The above-identified Office Action ("Action") has been reviewed, the Examiner's comments carefully weighed, and the references carefully considered. In view thereof the present Reply is submitted.

Applicant's Attorney submits that by the amendments herein, that all bases of objection and/or rejection set forth in the Action have been traversed, obviated, or otherwise overcome.

Accordingly, withdrawal of the objections, and rejections is respectfully requested.

### **Election / Restrictions**

The Examiner (Action, Para. 1) withdrew a pending restriction requirement.

### **Information Disclosure Statement**

Prior published patents US-5,086,703 and US-5,453,451 were incorporated by reference into the specification. The Examiner notes that references listed in the specification are not considered by the Examiner unless they have been cited by the Examiner on Form PTO-892.

In the Examiner's Action, the Examiner relied on US-5,086,703 and US-5,453,451 to reject certain of the claims of the Application. As such, US-5,086,703 and US-5,453,451 have been "considered" by the Examiner.

At present, Patent form PTO-892 only lists US-5,086,703. Applicant's Attorney requests that US-5,453,451 be entered on PTO-892 to indicate this reference was considered by the Examiner.

### Drawings

The Examiner objected (Action, Para's 3, 4, 5, and 6) to the drawings for reasons given. First the Examiner objected to the reference characters "16" and "50" and their designation. Second, the Examiner objected to the numbers of FIGS. 8 and 9 as being incorrect.

By this Reply, FIGS. 1, 2 and 3 and the Specification are amended in a manner to clarify the elements "16" and "50" and the use of the terms rearward end portion, rearward leg, first leg, forward end portion, forward leg, and first leg.

Further, FIGS. 8 and 9 are renumbered as FIG. 9 and FIG. 8.

These changes are submitted as obviating the Examiners objections.

A copy of the drawings, showing the changes requested in red, and labeled "Changes Requested", and a copy of the drawings, showing the drawings after the changes are made, and labeled "Replacement Drawings", are submitted herewith.

### Specification

The disclosure is objected to. The Examiner contends (Action, Para. 7) that FIG. 8 should be FIG. 9 and vice versa.

By this Reply, the numbers of the drawings (FIGS. 8 and 9) are renumbered in a manner requested and thus the objection to the Specification herein is believed obviated.

### Claim Objections

Claim 9 is objected to (Action, Para. 8) because of an informality noted by the Examiner regarding the claim terms “the cylindrical forward end portion” and “forward end portion”; and the term “the weight” should be “the mass”.

Claim 9 is amended herein and in a manner suggested by the Examiner.

Accordingly, the Examiner’s objection to Claim 9 is believed obviated.

### Claim Rejections 35 USC Section 112, Second Paragraph

Claims 9-16 are rejected (Action, Para. 9) under 35 USC Section 112, second paragraph as being indefinite. The Examiner believes that the term “the forward cylinder” is confusing, for reasons given.

Claim 9 is amended herein and in a manner suggested by the Examiner, such as by drawing changes requested herein and the term “the forward cylinder” being rewritten as “the forward end portion”. As rewritten herein, Claim 9 is believed to be definite.

Accordingly, the Examiner’s rejection under 35 USC Section 112, second paragraph is believed obviated.

### Allowable Subject Matter

The Examiner indicated (Action, Para. 16) that Claims 9-16 would be allowable if rewritten or amended to overcome the rejections under 35 USC Section 112, second paragraph.

Claims 9-16 are amended herein and in a manner believed to obviate the Examiner’s rejection under 35 USC Section 112, Second paragraph.

Claims 9-16 are submitted as being allowable.

Claims 17-19 are allowed.

**Claim Rejections – 35 USC Section 102 (a)**

Claims 1 and 4-6 are rejected (Action, Para. 12) under 35 USC Section 102(b) as being anticipated by Klein (US-5,086,703).

To advance prosecution and simplify issues, Claims 1-4 are cancelled.

Claims 5 and 6 are amended to depend from allowable Claim 9. Claims 5 and 6 further define the arrangements and/or requirements of the structure required in Claim 9 and are allowable for the same reasons that Claim 9 is allowable.

**Claim Rejections – 35 USC Section 103(a)**

Claims 7-8 are rejected (Action, Para. 14) under 35 USC Section 103(a) as being unpatentable over Klein (US-5,086,703).

Applicant's Attorney traverses the Examiner's rejection.

Dependent Claims 7 and 8 are amended herein and variously depend from allowable Claim 9.

Claims 7 and 8 are submitted as being patentable for the same reason Claim 9 is allowable.

Claims 2 and 3 are rejected (Action, Para. 15) under 35 USC Section 103(a) as being unpatentable over Klein (US-5,086,703) in view of AAPA (i.e., Applicant's Admitted Prior Art).

To advance prosecution and simplify issues, dependent Claims 2 and 3 are cancelled.

### Conclusion

It is respectfully submitted that by this amendment, all bases of objection and rejection have been traversed and overcome.

Claims 17-19 are allowed by the Examiner.

Claims 9-16 were noted as being allowable, if rewritten in a manner to overcome a Section 112, second paragraph rejection. Applicant's Attorney submits that Claims 9-16, as amended herein, are definite and thus allowable.


Dependent Claims 5-8, as amended herein, depend from now allowable independent Claim 9. Applicant's Attorney submits that Claims 5-8 are patentable and allowable.

Thus, Applicant's Attorney submits that by the present amendment, Claims 5-19 are patentable and that the Application has been placed in condition for allowance.

A Notice of Allowance is respectfully requested.

If the Examiner feels that prosecution of this Application can be expedited, then he courteously is requested to place a phone call to Applicant's Attorney at the number listed below.

Respectfully Submitted,

  
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Dated: Oct. 27, 2004

Attachments: Corrected and Replacement Drawing Sheets  
(Sheet 1 / 3, and Sheet 2 / 3)

**Amendments to the Drawings:**

FIG. 1: delete the arrowhead on the leadline for “16”, add an arrowhead at the end of the leadline for “17”; and clarify the exterior contour “69” and “71” of the driving band “17”.

FIG. 2: change the numbers “16” and “15” to read “15” and “16”; change the number “74” to read “57” for the forward cavity in the leg “50” of the projectile body “11”; add the number “74” and a lead line pointing therefrom to a chamber in the insert member “19”; add the number “21” and a leadline pointing therefrom to the dome shaped wall of the nose “20”; add the number “25 and a leadline pointing therefrom to the interior surface of the nose “20”; delete the number “24” and the leadline therefor; and add the number “23” and a leadline pointing therefrom to a cylindrical annular surface of the interior wall “25” circumjacent to the open end of the nose “20”.

FIG. 3: change the numbers “16” and “15” to read “15” and “16”; place an arrowhead at the end of the leadlines from “17” and “19”; shorten the end of the leadline from “54”; and delete the number “74” and the leadline therefore.

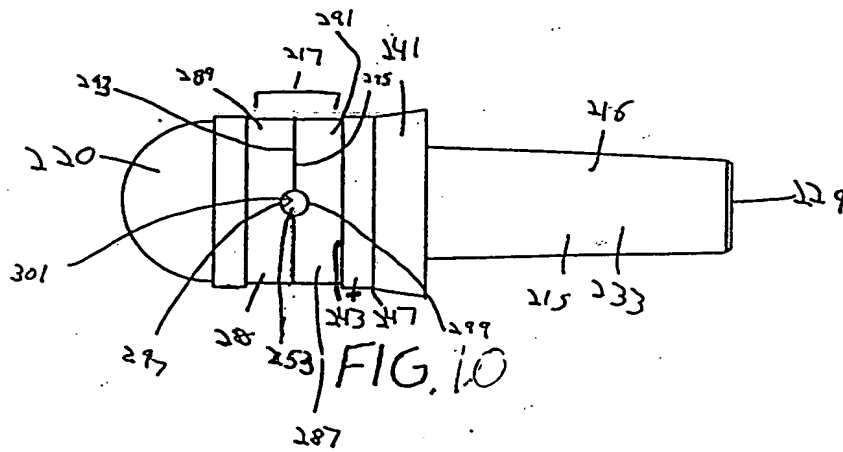
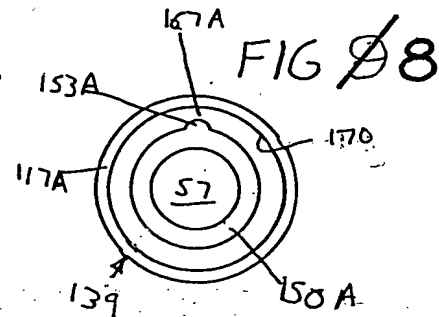
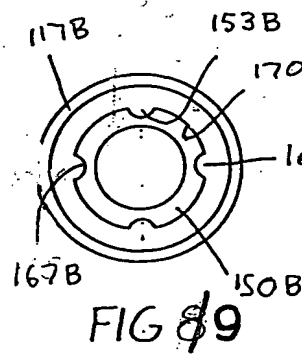
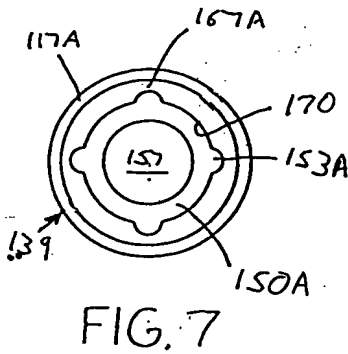
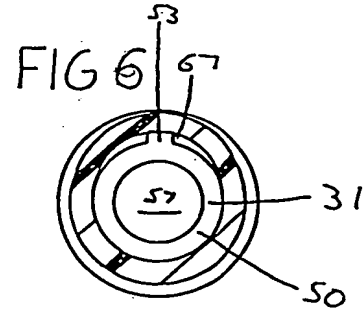
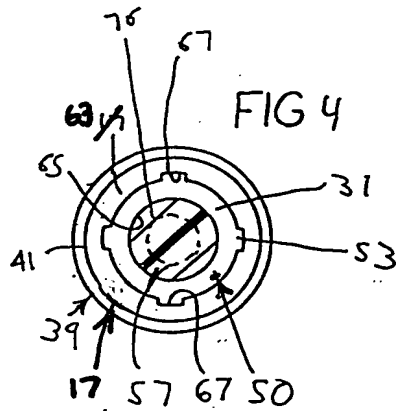
FIG. 4: replace the number “17” with “63”; add a number “17” and a leadline pointing therefrom to the drive band; shorten the leadline from “41” to point to the tapered surface; and shorten the leadline pointing to the forward leg “50” and end the leadline with an arrowhead.

FIG. 8: change the Figure number “8” to read “9”.

FIG. 9: change the Figure number “9” to read “8”.

FIG. 10: change the leadline from “243” to point the end face.

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